

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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JAMES D. WILSON,

Plaintiff-Appellee,

v

ARLYNE T. WILSON,

Defendant-Appellant.

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UNPUBLISHED

July 7, 2000

No. 212409

Oakland Circuit Court

LC No. 87-332562-DO

Before: Jansen, P.J., and Hood and Saad, JJ.

MEMORANDUM.

Defendant appeals as of right from a judgment of divorce. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Plaintiff filed for divorce. A default judgment was entered against defendant. The trial court denied her motion for relief from judgment. In *Wilson v Wilson (After Remand)*, unpublished opinion per curiam of the Court of Appeals, issued August 10, 1993 (Docket No. 124585), another panel of this Court vacated portions of the judgment, and remanded for further proceedings.

The parties submitted the property settlement issues to binding arbitration. The arbitrator awarded each party the property that he or she brought into the marriage, and divided the marital property. The award gave the marital home and two businesses to plaintiff, but compensated defendant for her interest in those assets. Each party was responsible for his or her own debts.

Eventually, defendant moved to re-open property settlement issues. The trial court denied the motion, and entered a judgment of divorce which incorporated the arbitration award.

Judicial review of an arbitration award is limited. An award can be vacated if it was obtained through fraud, duress, or other undue means, or was the result of evident partiality. MCR 3.602(J). Review on the grounds that the award was against the great weight of the evidence or was not supported by substantial evidence is precluded. *Donegan v Michigan Mutual Ins Co*, 151 Mich App 540, 549; 391 NW2d 403 (1986).

Defendant argues that the circuit court erred by entering judgment that incorporated the arbitration award because the award was the result of evident partiality. We disagree and affirm. The goal in dividing marital assets in a divorce proceeding is to reach an equitable distribution of property in light of all the circumstances. The division need not be mathematically equal, but any significant division should be explained. *Byington v Byington*, 224 Mich App 103, 114-115; 568 NW2d 141 (1997). The arbitrator awarded defendant the property she brought into the marriage and a share of the property the parties acquired during the marriage. Defendant was compensated for her interest in the marital home and in a business operated by plaintiff. To overturn an arbitration award, partiality or bias must be direct and certain, and not indirect and speculative. *Gordon Sel-Way, Inc v Spence Brothers, Inc*, 177 Mich App 116, 120-121; 440 NW2d 907 (1989), *aff'd in part and rev'd in part* 438 Mich 488; 475 NW2d 704 (1991). Defendant's assertion that the arbitrator was partial is based wholly on speculation. She has not demonstrated the direct, certain partiality necessary to vacate an arbitration award. MCR 3.602(J)(1)(b).

Affirmed.

/s/ Kathleen Jansen

/s/ Harold Hood

/s/ Henry William Saad